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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/748,754 | 12/26/2000 | Andrew P. Kramer | 279.166US1 | 4508 |

21186 7590 05/16/2003

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EXAMINER

OROPEZA, FRANCES P

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3762

DATE MAILED: 05/16/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/748,754

Applicant(s)

KRAMER ET AL.

Examiner

Frances P. Oropeza

Art Unit

3762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112 rejection of record.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

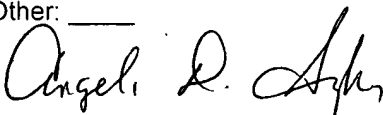
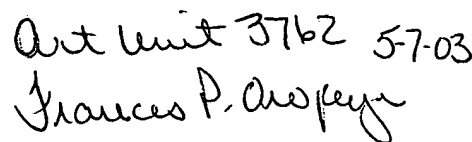
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-24

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

**ANGELA D. SYKES**
Art Unit 3762 5-7-03

Continuation of 5. does NOT place the application in condition for allowance because:

The Applicant's arguments have been fully considered, but they are not convincing.

Relative to claims 1 and 11, the Applicant appears to argue that while the CDW INHIBIT signal does inhibit the pacing of the synchronized chamber when the CDW INHIBIT signal is asserted, the CDW timer is halted by the CDW INHIBIT signal, hence the synchronized chamber escape interval does not continue to run as recited in the claims. The Examiner finds the escape interval recited in claims 1 and 11 is associated with the rate chamber, and the escape interval associated with the rate chamber continues to run regardless of the sensed and paced events in the synchronization chamber (col. 12 @ 6-28). A synchronnized chamber conduction delay window (CDW), read as the synchronized chamber protection period, is begun in response to a paced or sensed event in the rate chamber and pacing of the synchronized chamber during this period is inhibited by the CDW INHIBIT signal (col. 7 @ 8-13; col. 8 @ 1-15; col.15 @ 14-46). The escape interval, associated with the rate chamber, continues to run when the CDW INHIBIT signal is asserted (col. 15 @ 32-34).

Relative to claim 21, the Applicant asserts the Examiner's definition of pacing a chamber asynchronously given in the office action is incorrect. The Examiner disagrees. The Examiner took the definition of "pacing a chamber asynchronously" from the Applicant's specification as discussed in detail in the 2-11-03 office action. In his arguments, the Applicant provides a definition for "asynchronous pacing" "as used in the present specification and as commonly understood by those in the art", but no supporting citations from the specification were provided and the Applicant did not clarified how the Examiner has misunderstood the definition from the Applicant's specification, hence the rejection of record stands.

JPO
5/1/03